

**DISPOSITION:** August 14, 1950. Kennard Food Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

**16492. Adulteration and alleged misbranding of tomato puree. U. S. v. Pleasant Hill Canning Co. and Garnet C. Amick. Pleas of not guilty; subsequently changed to guilty. Fine of \$1,200 against company and \$300 against individual. (F. D. C. No. 27483. Sample No. 42006-K.)**

**INFORMATION FILED:** July 6, 1949, Southern District of Ohio, against the Pleasant Hill Canning Co., a partnership, Pleasant Hill, Ohio, and Garnet C. Amick, a partner.

**ALLEGED SHIPMENT:** On or about October 27, 1948, from the State of Ohio into the State of Illinois.

**NATURE OF CHARGE:** Count 1. Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

Count 2. Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; and, Section 403 (g) (2), it failed to conform to the definition and standard of identity for tomato puree in that it failed to bear a label bearing the name of the food specified in the definition and standard.

**DISPOSITION:** A motion for dismissal of the information was filed on behalf of the defendant, based on the grounds (1) that the partnership was not a legal entity and (2) that the defendant, Amick, was charged both in his capacity as a partner and as an individual, and was therefore being tried twice for the same offense. A motion to quash the misbranding charges in the information was filed also on the ground that there was no allegation that the article in package form was shipped for public consumption in the original containers. After consideration of the briefs of the parties, the court overruled the motions on or about January 11, 1950. A plea of not guilty was entered on behalf of the defendant on February 6, 1950, and on June 8, 1950, the case came on for trial.

Witnesses for the Government were heard on June 8 and 9, 1950, when the trial adjourned for the week end. When court reconvened on June 12, 1950, the defendants changed their pleas to guilty to count 1 of the information, after which, upon motion by the Government, count 2 was dismissed. On June 12, 1950, the court imposed a fine of \$1,200 against the partnership and \$300 against the individual.

## MEAT AND POULTRY

**16493. Adulteration of wild rabbits. U. S. v. Ozark Rabbit Co., a corporation, and Edward A. Biggs. Pleas of nolo contendere. Corporation fined \$300, plus costs; individual defendant fined \$3. (F. D. C. No. 29156. Sample Nos. 54464-K to 54466-K, incl.)**

**INFORMATION FILED:** April 27, 1950, Western District of Missouri, against the Ozark Rabbit Co., Springfield, Mo., and Edward A. Biggs, vice president of the corporation.